# Greetings from Governor James E. McGreevey and Commissioner Susan Bass Levin

The New Jersey Hotel and Multiple Dwelling Law is designed to protect those who occupy and visit hotels and multiple dwellings, and to work with owners and managers of these buildings. Working together, we want to ensure occupant safety and building quality throughout the state.

This brochure is designed to help you understand your responsibilities in providing safe and well-maintained living conditions for New Jersey's visitors and residents. The process is broken down into three simple steps to provide you with the basic information you may need to understand the law, its regulations and requirements.

We truly hope this assists you in complying with the New Jersey Hotel and Multiple Dwelling Law and contributing to a better New Jersey.

James E. McGreev

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Commissioner

## Introduction to the New Jersey Hotel and Multiple Dwelling Law

The Bureau of Housing Inspection, which administers the New Jersey Hotel and Multiple Dwelling Law (the Law) is part of the Department of Community Affairs' (DCA) Division of Codes and Standards. The Bureau is responsible for ensuring that hotels and multiple dwellings operating in New Jersey are properly maintained and do not pose a danger to the health, safety or welfare of the residents who live there or to the community in general.

To meet its objectives, DCA has the authority to enforce the regulations adopted under the authority of the Law and subchapter of the New Jersey Uniform Fire Safety Code to cite owners for violations.

The Law has concluded that certain condominiums, cooperative or mutual housing corporations fall within the definition of 'multiple dwelling' and as such, are subject to its provisions. Under the regulations, these organizations are, for the most part, considered the "owner" and are responsible to correct all cited violations. In addition, under a recent amendment to the law, a person who owns three or more units in a condominium, or who shares three or more units in a cooperative or mutual housing corporation, also is considered an "owner."

A building section of a condominium, cooperative or mutual housing corporation, which contains not more than four dwelling units, can be exempt from the Bureau's jurisdiction if all of the following conditions are met:

- ► Each building section must have at least two exterior walls unattached to any adjoining building.
- ▶ Each building section, which is attached to any adjoining building section, must be attached exclusively by fire separation walls having a minimum 1 ½ hour fire resistant rating, if constructed prior to January 1, 1977, or as required by the New Jersey Uniform Construction Code at the time of construction, if constructed subsequent to January 1, 1977.
- All dwelling units in the building section are owner-occupied (in a condominium) or share-holder-occupied (in a cooperative or mutual housing corporation). If not all of the dwelling units in a building section are owner or shareholder-occupied, only the owner or shareholder-occupied, only the owner or shareholder-occupied units are exempt and the common areas and exterior are not exempt.

## Step Registration

You or your organization must register all of its buildings with DCA's Bureau of Housing Inspection by completing an application form and submitting a \$10 fee for each building. Applications may be obtained from the Bureau directly by calling (609) 633-6210.

Once a building is registered, it does not have to be registered again, unless it is sold, in which case it becomes the responsibility of the new owner to submit a new registration application and applicable fee(s) within 20 days of the transfer of ownership. Failure on the part of any organization to register the building(s) may result in a \$200 penalty.



#### The Inspection Process

Those condominiums, cooperative or mutual housing corporations that fall under the Bureau's jurisdiction must be inspected at least once every five years.

An inspection fee, based on the total number of units in the building(s), must be paid by the organization after each of these inspections.

Upon receipt of a complaint or for other valid reasons, the Bureau also has the right to inspect between cycles, however no fee is charged for these interim inspections.



Trained Bureau and local inspectors perform the inspections. In municipalities or counties participating in the State Local Cooperative Housing Inspection Program, the Bureau contracts to have local inspectors perform the inspections and submit their reports to the Bureau for processing. In municipalities or counties not participating in the program, state inspectors conduct the inspections.

The Bureau recognizes the unique nature of condominiums, cooperatives and mutual housing corporations and structured its inspection process to include building's exterior and common areas. Additionally, the Bureau only inspects individual units for fire safety items, repairs to common elements, and repairs to items that if not fixed, would adversely affect another unit.

Upon receipt of a Notice of Inspection, it is your organization's responsibility to notify each unit owner or stockholder of the scheduled inspection date and time, and provide the inspector with access to all areas of the property, including the dwelling units.



After inspection, an Inspection Report, along with an application for a Certificate of Inspection, is mailed to your organization. If the report shows that you had no cited violations, you simply must return the application and required fee to the Bureau within 90 days from the date the application is received. (If the fee is not paid within the time allowed, a penalty for late payment will be assessed.)

If violations are found, you are given a minimum of 60 days from the date you receive the Inspection Report to correct the cited violations. If you find that you are unable to complete the repairs within the time allowed, you may request an extension in writing to the Bureau. This request must be submitted to the Bureau two weeks prior to the date by which all violations must be corrected and indicate:

- ► The progress that has been made in correcting the cited violations
- ► The remaining work
- ► The reason you are unable to complete the required work within the time already allotted
- ► An estimate of the additional time needed

If the request is reasonable, and the required fees have been paid, an extension will normally be granted.

Requests for extensions must be made in writing and sent to:

Department of Community Affairs Division of Codes and Standards Bureau of Housing Inspection P.O. Box 810 Trenton, N.J. 08625-0810

#### Other Information

#### **Re-inspection**

After the time allowed for correcting the violations (including any granted extensions) has passed, the property will be re-inspected and you will receive the results.

If all violations have been corrected, a Certificate of Inspection will be sent to you, provided your organization is registered and all other requirements have been met.

If any of the previously cited violations remain uncorrected, you will receive a Penalty Notice, along with a copy of the Re-inspection Report. (There is no fee for the initial re-inspection, however, a fee is charged for each unit requiring re-inspection thereafter.)

#### **Penalties**

If your organization receives a Penalty Notice, you should contact the Bureau immediately, either by calling (609) 633-6229 and asking to speak to the compliance officer assigned to the county in which the property is located or by writing to:

Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection
Compliance Unit
P.O. Box 810
Trenton, N.J. 08625-0810

If a settlement agreement is reached with the Bureau at that time, and your organization agrees to pay the penalty, you may then receive additional time to correct all violations. Should violations continue to remain uncorrected at the end of that time, your organization will be subject to additional penalties and another re-inspection. More substantial penalties will continue to be levied until all violations are corrected.

Failure to pay penalty(ies) will result in legal action against your organization.

#### **Exceptions**

Within 30 days of receipt of the Inspection Report, you may request an exception to abate any listed violation(s). An exception can only be granted if correcting the violation, as required by the Bureau, would cause undue hardship to your organization. (Financial hardship alone is insufficient justification). Furthermore, the request must include an alternate means of complying with the Law that would afford the building's occupants, or the public in general, the same degree of protection. Exception requests must be submitted in writing to:

## Department of Community Affairs Division of Codes and Standards Bureau of Housing Inspection Exceptions P.O. Box 810 Trenton, N.J. 08625-0810

#### Hearings

If your organization does not agree with the cited violations, or feels the violations were cited incorrectly, the first step is to discuss the problem with the Bureau's code administration officer assigned to the area in which the property is located, or, if a penalty has already been assessed, with the compliance officer assigned to that area.

However, if the case cannot be resolved, you may request an administrative hearing. Such a request, stating the area(s) of disagreement, should be sent in writing to:

Department of Community Affairs Division of Codes and Standards Attention: Hearing Coordinator P.O. Box 802 Trenton, N.J. 08625-0802

The Bureau must receive the hearing requests within 15 days of the date you received the Inspection Report or Penalty Notice.

Additionally, if your organization disagrees with the administrative hearing decision, you may appeal to the Appellate Division of the New Jersey Superior Court.

If you do not request a hearing, and the Bureau subsequently takes you to court to collect a penalty, you cannot then raise any objections to the Inspection Report, as the only issue before the court at that time will be whether the Inspection Report was properly served and/or whether a fine was paid.

#### **Publications**

The following publications are available from the Department of Community Affairs upon request by remitting a check or money order in the appropriate amount payable to: Treasurer - State of New Jersey. Please send payment to:

Department of Community Affairs Division of Codes and Standards Bureau of Housing Inspection PO Box 810 Trenton. NJ 08625-0810

- ▶ The Hotel & Multiple Dwelling Law \$1
- ► Regulations for the Maintenance of Hotels and Multiple Dwellings \$5

### NEW JERSEY DEPARTMENT OF



Department of Community Affairs
Division of Codes and Standards
Bureau of Housing Inspection
P.O. Box 810
Trenton, N.J. 08625-0810

Inspections (609) 633-6241

Registration and Inspection Reports (609) 633-6210

Penalties (609) 633-6229



James E. McGreevey Governor



Susan Bass Levin Commissioner

#### COMMUNITY AFFAIRS



Information for Condominium Associations, Cooperatives and Mutual Housing Corporations

A Three-Step Guide to the New Jersey Hotel and Multiple Dwelling Law



Governor

Susan Bass Levin Commissioner